

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: SB 402

INTRODUCER: Senator Braynon

SUBJECT: Council on the Social Status of Black Men and Boys

DATE: February 10, 2014 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sanford	Hendon	CF	Favorable
2.			GO	
3.			ACJ	
4.			AP	

I. Summary:

SB 402 amends s. 16.615, F.S., relating to the Council on the Social Status of Black Men and Boys to:

- Provide criteria for the removal of a member of the council;
- Revise the duties of the council;
- Authorize the council to identify initiatives and programs that support the council’s mission and strategic vision, study other topics suggested by the Legislature or as directed by the chair of the council, and subject to legislative appropriations, use funds appropriated to the Department of Legal Affairs to perform certain tasks;
- Revise the number of members attending required to establish a quorum;
- Authorize the council to present its findings and strategic issues at an annual statewide conference; and
- Provide for reimbursement for *per diem* and travel expenses for individuals and entities that make presentations to the council regarding the mission or strategic vision of the council.

The bill is not expected to have a fiscal impact. The effective date of the bill is July 1, 2014.

II. Present Situation:

In 2006, in response to concerns about issues such as the disproportionate representation of black males in Florida’s correctional facilities, the number of black students dropping out of high school, and the disparity between the income levels and life expectancies of black and white

males,¹ the Legislature created the Council on the Social Status of Black Men and Boys (the council)² within the Department of Legal Affairs in the Office of the Attorney General.

The council is comprised of 19 appointed members who serve four-year terms.³ These members include representatives of state agencies and the Legislature, as well as citizens who represent relevant areas of interest. The members include:

- Two members of the Senate who are not members of the same political party, appointed by the President of the Senate with the advice of the minority leader of the Senate;
- Two members of the House of Representatives who are not members of the same political party, appointed by the Speaker of the House of Representatives with the advice of the minority leader of the House of Representatives;
- The Secretary of Children and Family Services (DCF), or his or her designee;
- The director of the Mental Health Program Office within DCF, or his or her designee;
- The State Surgeon General, or his or her designee;
- The Commissioner of Education, or his or her designee;
- The Secretary of Corrections, or his or her designee;
- The Attorney General, or his or her designee;
- The Secretary of Management Services, or his or her designee;
- The executive director of the Department of Economic Opportunity, or his or her designee;
- A business person of black origin appointed by the Governor;
- Two persons appointed by the President of the Senate who are not members of the Legislature or employed by state government. One of these appointments must be a clinical physiologist;
- Two persons appointed by the Speaker of the House of Representatives who are not members of the Legislature or employed by state government. One of these appointments must be an Africana studies professional;
- The deputy secretary for Medicaid in the Agency for Health Care Administration, or his or her designee; and
- The Secretary of Juvenile Justice, or his or her designee.⁴

Members serve without compensation, but are allowed to receive *per diem* and travel expenses as provided in s. 112.061, F.S.⁵

The council is required to submit an annual report by December 15 of each year.⁶

¹ See Senate Staff Analysis and Economic Impact Statement for CS/CS/SB 436 (April 24, 2006) (on file with the Committee on Children, Families, and Elder Affairs).

² Section 20.03(7), F.S., defines the term “council” or “advisory council” to mean “an advisory body created by specific statutory enactment and appointed to function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.”

³ Section 16.615(1) and (2), F.S.

⁴ Section 16.615 (1), F.S.

⁵ Section 16.615 (9), F.S.

⁶ Section 16.615(8)(a), F.S.

On January 15, 2008, the council published its first annual report.⁷ This inaugural report identified the council's top fifteen recommendations on issues related to black-owned businesses, school discipline and mentoring programs, kinship care, independent living and adoption promotion for foster children, and early screening for health care.⁸

Reports have been produced each year, with the most recent, the 2013 report⁹, published December 2013.

The current report addresses the council's strategic plan for 2012-2015. This plan identifies five strategic issues:

- Removing barriers to healthy lifestyles, prevention and family support services;
- Ensuring educational and lifelong learning success;
- Addressing disproportional employment and economic conditions;
- Promoting crime prevention and addressing disproportionate criminal justice issues; and
- Promoting community awareness, leadership and sustainable partnerships.¹⁰

The Council is authorized to:

- Access data held by any state departments or agencies, which data is otherwise a public record.
- Make requests directly to the Joint Legislative Auditing Committee for assistance with research and monitoring of outcomes by the Office of Program Policy Analysis and Government Accountability.
- Request, through council members who are also legislators, research assistance from the Office of Economic and Demographic Research within the Florida Legislature.
- Request information and assistance from the state or any political subdivision, municipal corporation, public officer, or governmental department thereof.
- Apply for and accept funds, grants, gifts, and services from the state, the Federal Government or any of its agencies, or any other public or private source for the purpose of defraying clerical and administrative costs as may be necessary for carrying out its duties under this section.
- Work directly with, or request information and assistance on issues pertaining to education from, Florida's historically black colleges and universities.¹¹

In addition, the council has duties prescribed by law:

- Making a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rates, poverty, violence, drug abuse, death

⁷ See <http://myfloridalegal.com/newsrel.nsf/newsreleases/B20CCBCCC280D205852573D1005331A5> (last visited Jan. 29, 2014).

⁸ 2007 Florida Council on the Social Status of Black Men and Boys Annual Report at p. 8, *available at* [http://myfloridalegal.com/webfiles.nsf/WF/JFAO-7AVKYG/\\$file/FinalReport.pdf](http://myfloridalegal.com/webfiles.nsf/WF/JFAO-7AVKYG/$file/FinalReport.pdf) (last visited Jan. 29, 2014).

⁹ See [http://myfloridalegal.com/webfiles.msf/WF/RMAS-9FNLS8/\\$file/2013Report.pdf](http://myfloridalegal.com/webfiles.msf/WF/RMAS-9FNLS8/$file/2013Report.pdf) (last visited Jan. 29, 2014).

¹⁰ *Id.*, at 7.

¹¹ Section 16.615(5), F.S.

rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

- Proposing measures to alleviate and correct the underlying causes of the conditions described in the preceding paragraph. These measures may consist of changes to the law or systematic changes that can be implemented without legislative action.
- Studying other topics suggested by the Legislature or as directed by the chair of the council.
- Receiving suggestions or comments pertinent to the applicable issues from members of the Legislature, governmental agencies, public and private organizations, and private citizens.
- Monitoring outcomes of the direct-support organization created pursuant to s. 16.616, F.S.
- Developing a strategic program and funding initiative to establish local Councils on the Social Status of Black Men and Boys.¹²

In 2008, the Legislature created a direct-support organization (DSO), for the council.¹³ This DSO is authorized, among its other duties, to hold a statewide Black Policy Summit in conjunction with a state university.¹⁴

The 2013 report for the first time identified for each strategic issue a series of key performance indicators, strategic objectives, action steps, and measurable goals.

There is no mechanism described in the statute for removing members who have unexcused absences from meetings.

Members are entitled to reimbursement for travel and *per diem* expenses. The Office of the Attorney General supplies staff and administrative support to the council.

III. Effect of Proposed Changes:

Section 1 of SB 402 provides for the removal of a council member who has more than three consecutive unexcused absences or is absent for at least 50 percent of the council meetings within a 12-month period. It also defines “unexcused absences” as a failure to notify the chair that the member will not be present at a meeting of the council. It establishes that any vacancy created by operation of this provision will be filled by the member’s appointing authority.

This section revises the duties of the council to add activities previously authorized but not required of the council. It also adds new authority to the council to:

- Identify initiatives and programs that support the council’s mission and strategic vision;
- Study other topics suggested by the Legislature or as directed by the chair of the council;
- Subject to legislative appropriations, use funds appropriated to the Department of Legal Affairs to:
 - Conduct additional research and studies that support the council’s mission and strategic vision;

¹² Section 16.615(4), F.S.

¹³ Section 16.616, F.S., Chapter 2008-130, Laws of Fla.

¹⁴ Section 16.616(5)(b), F.S.

- Provide information and assistance in the establishment of local Councils on the Social Status of Black Men and Boys; and
- Host an annual statewide conference.

The bill reduces the number of members required to be present for a quorum at a meeting from eleven to nine.

The bill places into statute the five strategic issues described in its reports.

The bill extends the entitlement to travel and *per diem* reimbursement to individuals and entities making presentations to the council regarding the council's mission or strategic vision.

Section 2 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Office of the Attorney General reports no expected fiscal impact from this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 16.615 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
